

Notice of Allowability

Application No.

10/787,525

Examiner

Thong Q. Nguyen

Applicant(s)

MUELLER ET AL.

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2872



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 2/9/06.
2. ☒ The allowed claim(s) is/are 8-11 and 17-18 which are renumbered as claims 1-5.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

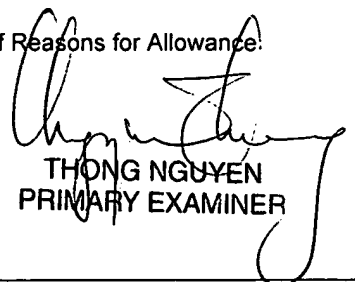
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance.
9. ☐ Other _____


THONG NGUYEN
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment filed on 2/9/06. It is noted that in the amendment, applicant has amended claim 8 and canceled claim 1, 3, 5, 11, 13, 16 and 19-20. The remaining claims 8-10 and 17-18 are examined in this Office action. Claims 2, 6-7, 12 and 14-15 were canceled by the applicant in the amendment of 5/19/2004, and claim 4 was canceled by the applicant in the amendment of 3/15/05.

Allowable Subject Matter

2. Claims 8-10 and 17-18 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The microscope having two objectives having substantially identical optical properties arranged opposite to each other and sandwiched a transparent specimen wherein a mirror is placed in a back focal plane of one objective for reflecting light transmitted through the specimen back into itself and only reflected fluorescent radiation and fluorescent light from the specimen are reimaged in a detector as recited in claim 8 is patentable with respect to the cited art, in particular, the U.S. Patent Nos. 5,035,476; 4,515,445; and 2,601,175 and the Japanese reference No. 5-288992 by the limitation related to the phase-conjugating mirror disposed in the back focal plane of the objective. It is noted that while the use of a curved mirror is disclosed in the U.S. Patent No. 2,601,175 and the Japanese reference No. 5-288992; however, both the references do not disclose that the phase-conjugating mirror or the adaptive mirror is operated in a

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manner that the wavefront of the reflected light is made to coincide with the wavefront of the transmitted light.

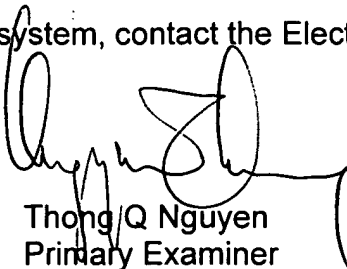
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q. Nguyen
Primary Examiner
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